

## Virginia Title V Operating Permit

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Transcontinental Gas Pipe Line Corporation
Mailing Address:	P. O. Box 1396 Houston, Texas 77251-1396
Facility Name:	Compressor Station 167
DEQ Registration Number:	30860
Facility Location:	1950 Chaptico Road, one mile north of South Hill, VA in Mecklenburg County
AFS Identification No.:	51-117-0050

<u>Permit Number</u>	<u>Effective Date</u>	<u>Expiration Date</u>
VA-30860	October 27, 2003	October 26, 2008

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Robert G. Burnley  
Director, Department of Environmental Quality

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Signature Date

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## **I. Facility Information**

### **Permittee**

Transcontinental Gas Pipe Line Corporation  
P. O. Box 1396  
Houston, TX 77251-1396

### **Responsible Official**

Daniel L. Merz  
Manager-Environmental

### **Facility**

Compressor Station 167  
1950 Chaptico Road South Hill  
Mecklenburg County

### **Contact Person**

Michael C. Callegari  
Environmental Specialist  
(713) 215-4584

**AFS Identification Number:** 51-117-0050

**Facility Description:** SIC Code 4922 - Transco is an interstate natural gas transmission company. Transco's 1,900-mile pipeline system transports natural gas from production areas in the Gulf Coast region to customers along the eastern seaboard. Transco's compressor stations are used to compress and move the gas along the system. Compression is made possible through the application of natural gas-fired, turbine-driven compressors.

## II. Emission Units

Equipment to be operated consists of:

### A. Significant Emissions Units

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	Applicable Permit Date
M/L1	01	combustion turbine, Solar Centaur T4500, 1991	40.44 Million BTU/Hr	none	July 29, 2003
M/L2	02	combustion turbine, Solar Centaur T4500, 1991	40.44 Million BTU/Hr	none	July 29, 2003
IA6	03	condensate storage tank (#13)	12,600-gallons	none	July 29, 2003

\*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

### B. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
IA1	Used Oil Sump	5-80-720 C.	N/A	129 gallons
IA2	Used Oil/Water Sump	5-80-720 B.	VOCs (< 5 ton/yr)	NA
IA3	Wastewater/Oil Separator (#10)	5-80-720 B.	VOCs (< 5 ton/yr)	NA
IA4	Wastewater Storage Tank (#11)	5-80-720 B.	VOCs (< 5 ton/yr)	NA
IA5	Used Oil Storage Tank (#12)	5-80-720 B.	VOCs (< 5 ton/yr)	NA
IA7	Lube Oil Storage Tank	5-80-720 C.	N/A	226 gallons
IA8	Condensate Storage Tank (#39)	5-80-720 B.	VOCs (< 5 ton/yr)	NA
IA9	Parts Washer	5-80-720 B.	VOCs (< 5 ton/yr)	NA
IA10	M & R Condensate Drip Storage Tank	5-80-720 C.	VOCs	89 gallons

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

### III. Fuel Burning Equipment Requirements – (Ref. M/L1, M/L2)

#### A. Limitations

1. NO<sub>x</sub>, CO, and VOC emissions from each turbine (Ref. M/L1, M/L2) shall be controlled by equipment design and operation. The turbines shall be provided with adequate access for inspection  
(9 VAC 5-80-110 and Condition 3 of July 29, 2003 Permit)
2. The approved fuel for the Solar Centaur turbines (Ref. M/L1, M/L2) is natural gas. A change in the fuel may require a permit to modify and operate.  
(9 VAC 5-80-110 and Condition 8 of July 29, 2003 Permit)
3. **Fuel** - The natural gas shall meet the specifications below:

#### NATURAL GAS:

Maximum sulfur content (weight): 0.01 %

(9 VAC 5-80-110 and Condition 5 of July 29, 2003 Permit.)

4. Each Solar Centaur turbine (Ref. M/L1, M/L2) shall consume no more than  $374 \times 10^6$  cubic feet of natural gas per year, calculated monthly as the sum of each consecutive 12 month period.  
(9 VAC 5-80-110 and Condition 9 of July 29, 2003 Permit)
5. Emissions from the operation of each of the Solar Centaur turbines (Ref. M/L1, M/L2) shall not exceed the limits specified below:

Sulfur Dioxide	0.4 lbs/hr	1.8 tons/yr	(9 VAC 5-50-260)
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Nitrogen Oxides (as NO <sub>2</sub> )	166 ppmvd at 15% O <sub>2</sub> and ISO ambient conditions	22.0 lbs/hr	96.2 tons/yr	(9 VAC 5-50-260) (40 CFR 60.332)
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Carbon Monoxide	6.3 lbs/hr	27.6 tons/yr	(9 VAC 5-50-260)
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Volatile Organic Compounds	1.4 lb/hr	6.1 tons/yr	(9 VAC 5-50-260)
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(9 VAC 5-80-110, 40 CFR 60.332, and Condition 11 of July 29, 2003 Permit)

6. **Visible Emission Limit** - Visible emissions from each of the Solar Centaur turbine (Ref. M/L1, M/L2) exhaust stacks (Ref. 01, 02) shall not exceed 5 percent opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A).  
(9 VAC 5-80-110, and Condition 12 of July 29, 2003 Permit)
7. **Maintenance/Operating Procedures** - The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment and process equipment which affect such emissions:
  - a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
  - b. Maintain an inventory of spare parts.
  - c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.
  - d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request

(9 VAC 5-80-110 and Condition 20 of July 29, 2003 permit)

8. **Requirements by Reference** - Except where this permit is more restrictive than the applicable requirement, the NSPS equipment as described in Condition 2 shall be operated in compliance with the requirements of 40 CFR 60, Subpart GG.  
(9 VAC 5-80-110 and Condition 13 of July 29, 2003 permit)

## **B. NSPS Monitoring**

1. Fuel monitoring of the nitrogen content shall be conducted in accordance to the provisions of NSPS Subpart GG.  
(9 VAC 5-80-110, 40 CFR 60.334, and Condition 5 of July 29, 2003 permit)
2. Fuel monitoring of the sulfur content shall be conducted in accordance to the provision of NSPS Subpart GG.  
(9 VAC 5-80-110, 40 CFR 60.334, and Condition 6 of July 29, 2003 permit)

3. Fuel Monitoring - The permittee shall furnish written notification to South Central Regional Office of the specific fuel monitoring program and schedule, as approved by NSPS Subpart GG. Such notification shall be made within thirty (30) days after any changes in monitoring and shall include identification of monitoring program. Additional details of the notification should be arranged with the South Central Regional Office.  
(9 VAC 5-80-110 and Condition 7 of July 29, 2003 permit)
4. The permitted facility shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. Test ports shall be provided when requested at the appropriate locations  
(9 VAC 5-80-110 and Condition 16 of July 29, 2003 permit)

### **C. Periodic Monitoring**

1. At least one time per calendar month an observation of the presence of visible emissions from each of the turbine (Ref. M/L1, M/L2) exhaust stacks (Ref. 01, 02) shall be made. The presence of visible emissions shall require the permittee to:
  - a. take timely corrective action such that each of the Solar Centaur T-4500 turbine (Ref. M/L1, M/L2) exhaust stack (Ref. 01, 02) with visible emissions, resumes operation with no visible emissions, or,
  - b. conduct a visible emission evaluation (VEE) on each of the turbine's (Ref. M/L1, M/L2) exhaust stacks (Ref. 01, 02), with visible emissions, in accordance with EPA Method 9 (reference 40 CFR 60, Appendix A) for a minimum of six (6) minutes, to assure visible emissions from each of the turbine (Ref. M/L1, M/L2) exhaust stack (Ref. 01, 02) are five (5) percent opacity or less. If any of the observations exceed the opacity limitation of five (5) percent, the observation period shall continue until a total of sixty (60) minutes of observation have been completed. Timely corrective action shall be taken, if necessary, such that each turbine (Ref. M/L1, M/L2) exhaust stack (Ref. 01, 02) resumes operation within the five (5) percent opacity limit.
2. The permittee shall maintain a stack observation log for each of the turbine (Ref. M/L1, M/L2) exhaust stacks (Ref. 01, 02) to demonstrate compliance. The logs shall include the date and time of the observations, whether or not there were visible emissions, the results of all VEEs, any necessary corrective action, and the full name of the observer. If a turbine (Ref. M/L1, M/L2) has not been operated for any period during the month it shall be noted in the log book.  
(9 VAC 5-80-110 E, 9 VAC 5-80-110 K)



3. At a frequency not to exceed five years, the permittee shall conduct a stack test for NO<sub>x</sub> from one of the turbine's (Ref. M/L1, M/L2) exhaust stack, using Reference Methods 7E (reference 40 CFR 60, Appendix A) or alternative test methods as approved by the South Central Regional Office, to determine compliance with the ppmvd and hourly NO<sub>x</sub> emission limits contained in Condition A.5, above. The initial tests shall be performed in the first (1<sup>st</sup>) year of this permit. The tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30. The details of the tests shall be arranged with the South Central Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. Two copies of the test results shall be submitted to the South Central Regional Office within 60 days after test completion and shall conform to the test report format enclosed with this permit.

(9 VAC 5-80-110)

#### **D. Recordkeeping**

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the South Central Regional Office. These records shall include, but are not limited to:
  - a. Annual consumption of natural gas in cubic feet for each Solar Centaur turbine, calculated monthly as the sum of each consecutive 12 month period.
  - b. Annual hours of operation of each Solar Centaur turbine, calculated monthly as the sum of each consecutive 12 month period.
  - c. All fuel monitoring reports and notifications.
  - d. The equations, emission factors, origin of emission factors, and all supporting documentation for criteria pollutant emissions.
  - e. Scheduled and unscheduled maintenance, and operator training.
  - f. Results of all stack tests, visual emissions examinations (VEE), periodic monitoring, and performance evaluations.
  - g. Copies of all notifications required by Condition E of this section, below.

These records shall be available for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110, 40 CFR 60 Subparts A and GG, Condition 15 of July 29, 2003 Permit)

#### **E. Reporting**

The permittee shall submit written reports in accordance with General Condition VII.C.  
(9 VAC 5-80-110)

**IV. Process Equipment Requirements – (Ref. IA6)**

- A. Recordkeeping for NSPS Subpart Kb Tank** - The 12,600-gallon condensate storage tank (Ref. IA6) is subject to the recordkeeping requirements of 40 CFR 60.116b. The permittee shall keep readily accessible records showing the dimensions of the storage tank and an analysis showing the capacity of the storage tank. These records shall be kept for the life of the storage tank.

(9 VAC 5-80-110, 40 CFR 60.116b, and Condition 14 of July 29, 2003 permit)

**V. Facility Wide Conditions**

Fugitive Dust/VOC Emission Controls - Fugitive dust and fugitive emission controls shall include the following, or equivalent, as a minimum:

1. Dust from traffic areas shall be controlled by the application of asphalt, water, suitable chemicals, or equivalent methods approved by the DEQ.
2. Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. Dirt, product, or raw material spilled or tracked onto paved surfaces shall be promptly removed to prevent particulate matter from becoming airborne.
3. Volatile organic compounds shall not be intentionally spilled, discarded to sewers, stored in open containers, or handled in any other manner that would result in evaporation beyond that consistent with air pollution control practices for minimizing emissions.

(9 VAC 5-80-110 and Condition 4 of July 29, 2003 permit)

**VI. Permit Shield & Inapplicable Requirements**

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 63 Subpart HH	National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities	Compressor Station 167
40 CFR 63 Subpart HHH	National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities	Compressor Station 167

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the (i) administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.  
(9 VAC 5-80-140)

## **VII. General Conditions**

### **A. Federal Enforceability**

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

### **B. Permit Expiration**

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

### **C. Recordkeeping and Reporting**

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.
  - e. The results of such analyses.
  - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
  - a. The time period included in the report. The time periods to be addressed are **January 1 through June 30** and **July 1 through December 31**.
  - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

- (1) Exceedance of emissions limitations or operational restrictions;
  - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
  - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to DEQ and EPA no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is **January 1 through December 31.**
2. A description of the means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.
3. The identification of each term or condition of the permit that is the basis of the certification.
4. The status of compliance with the terms and conditions of this permit for the certification period.
5. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

6. Consistent with subsection 9 VAC 5-80-110 E, identification of the method or methods used for determining the compliance status of the source with each term and condition at the time of certification and over the reporting period, and whether such methods or other means provide continuous or intermittent data.
7. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)  
U. S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

#### **E. Permit Deviation Reporting**

The permittee shall notify the South Central Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition C.3. of this permit, above.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

#### **F. Failure/Malfunction Reporting**

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, South Central Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, South Central Regional Office.

(9 VAC 5-80-110 and Condition 18 of July 29, 2003 permit)

#### **G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

#### **H. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit, including those terms and conditions set forth in a tabular format. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

#### **I. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

#### **J. Permit Action for Cause**

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-110 G & L, 9 VAC 5-80-240 and 9 VAC 5-80-260)

#### **K. Permit Modification**

Any physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-90 and 9 VAC 5-80-110)

#### **L. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

#### **M. Duty to Submit Information**

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.  
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G

(9 VAC 5-80-110 K.1)

#### **N. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

#### **O. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;



3. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,

(9 VAC 5-50-90)

**P. Startup, Shutdown, and Malfunction**

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E)

**Q. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

**R. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

#### **S. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

#### **T. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

#### **U. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.  
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

## **V. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
  - b. The permitted facility was at the time being properly operated.
  - c. During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.
  - d. The permittee notified the board of the malfunction within two working days following the time when the emissions limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2. b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirements under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.  
(9 VAC 5-80-250)

#### **W. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190C and 9 VAC 5-80-260)

#### **X. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a July 29, 2003 permit.

(9 VAC 5-80-80 E)

#### **Y. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

#### **Z. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

#### **AA. Changes to Permits for Emissions Trading**

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

**BB. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)